

PROPOSED AMENDMENTS TO THE RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

Comments Requested: The Supreme Court of Ohio will accept public comments until January 7, 2016, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: Stephanie Nelson, Manager of the Children & Families Section, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215-3431, or CFC@sc.ohio.gov not later than January 7, 2016. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

1 **RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

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3 **RULE 5.01. Local Juvenile Restraint Rule.**

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5 Each court or division of a court shall adopt a local rule governing the physical restraint of

6 juveniles appearing in court proceedings before the court or division. The local rule shall do all

7 of the following:

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9 (A) Create a presumption that physical restraint shall not be used unless the judge

10 before whom the juvenile is appearing issues a finding on the record of both of the

11 following:

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13 (1) The use of physical restraint is necessary due to either of the following

14 factors:

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16 (a) The behavior of the juvenile represents a current threat to the safety

17 of the juvenile or other persons in the courtroom;

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19 (b) There is a significant and imminent risk the juvenile will flee the

20 courtroom.

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22 (2) There are no less restrictive alternatives to the use of physical restraint.

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24 (B) Require the judge to permit any party to be heard on the issue of whether the use of

25 physical restraint is necessary in a particular situation or as to a particular juvenile.

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27 (C) Require that if physical restraint is found necessary by the court, the restraint shall

28 be the least restrictive necessary to meet the risk requiring the restraint, and in a manner

29 which does not unnecessarily restrict the movement of the child's hands.